



Entered on Docket  
November 01, 2007

A handwritten signature in black ink, appearing to read "R. Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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## UNITED STATES BANKRUPTCY COURT

### DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
USA SECURITIES, LLC,

Debtors.

**Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

### CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

### ORDER SUSTAINING OBJECTION OF USACM TRUST TO KATHLEEN J MOORE ROTH IRA'S CLAIM FILED IN WRONG DEBTOR'S CASE; AND SUSTAINING OBJECTION OF DTDF TO PROPOSED ALLOWANCE OF CLAIM

Hearing Date: October 15, 2007  
Hearing Time: 9:30 a.m.



1       The Court having considered the "Objection of USACM Trust to Kathleen J.  
 2       Moore ROTH IRA's Claim Filed in Wrong Debtor's Case; Objection of DTDF to  
 3       Proposed Allowance of Claim" [Docket No. 4655] (the "Objection"); with appearances as  
 4       set forth in the record at the hearing noted above; appropriate notice of the Objection  
 5       having been given; no response to the Objection having been filed; and good cause  
 6       appearing:

7       **IT IS HEREBY ORDERED** that:

8       1.       The Objection is sustained;  
 9       2.       Proof of Claim No. 10725-00107 is disallowed in its entirety as against USA  
 10      Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");  
 11      and

12       3.       Kathleen J. Moore ROTH IRA's equity interest in DTDF is allowed in the  
 13      amount of \$28,136.73 under account no. 13890, as reflected in DTDF's books and records  
 14      as of April 13, 2006.

15      PREPARED AND RESPECTFULLY SUBMITTED BY:

16      **LEWIS AND ROCA LLP**

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22      *Attorneys for USA Capital Diversified  
 23      Trust Deed Fund, LLC*



1                   **RULE 9021 DECLARATION**

2       In accordance with Local Rule 9021, the undersigned certifies:

- 3                    The Court waived the requirements of LR 9021.  
4                    I have delivered a copy of the proposed order to the Office of the United States  
5                   Trustee and the parties who filed papers in response to the Objection or appeared at  
6                   the hearing noted above, and each has:  
7                    approved the form of this order; and/or  
8                    waived the right to review the order; and/or  
9                    failed to file and serve papers in accordance with LR 9021(c); and  
10                  the following have disapproved the form of the order:  
11                  n/a  
12                   No opposition was filed to the objection and no other party or counsel appeared at  
13                  the hearing.

14                  **LEWIS AND ROCA, LLP**

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